

## United States District Court

Western DISTRICT OF Texas

10-20-08  
Clerk, U. S. District Court  
Western District of Texas

By

Deputy

UNITED STATES OF AMERICA

V.

Elton C. Johns

## CRIMINAL COMPLAINT

CASE NUMBER: SA-08931M

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about October 19, 2008 in Bexar county, in the Western District of Texas defendants(s) did, (Track Statutory Language of Offense)  
Theft or receipt of stolen mail matter generally

in violation of Title 18 United States Code, Section(s) 1708.

I further state that I am a(n) U.S. Postal Inspector and that this complaint is based on the following facts:  
Official Title

See Attachment

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

Penalties: 5 years imprisonment, 3 years supervised release, \$250 fine & \$100 special assessment.

Yvonne A. Mathy  
Signature of Complainant

Sworn to before me and subscribed in my presence,

10/20/08

at San Antonio, Texas

Date

City of State

U.S. Magistrate Judge Pamela Mathy

Name and Title of Judicial Officer

Pamela Mathy  
Signature of Judicial Officer

**AFFIDAVIT IN SUPPORT OF COMPLAINT AND**  
**ARREST WARRANT**

I, Y.A. Martinez, being duly sworn, do hereby depose and state:

1. I have been a United States Postal Inspector for approximately 7 years. I am currently assigned to the Houston Division Office in San Antonio, Texas. As part of my duties I investigate robberies, burglaries, assaults, theft of mail and identity theft, to include the offense of theft or possession of stolen mail in violation of Title 18, United States Code, Section 1708. I have participated in investigations, the service of arrest and search warrants, the interviewing of suspects, witnesses, informants and other persons having knowledge of violations of the Federal Criminal Code.
2. Based on this affiant's experience, those criminals who steal mail, rifle through the stolen mail in order to obtain checks, money orders, credit cards, and/or account numbers.
3. The information contained in this affidavit is based on my personal knowledge and observations during the course of this investigation; on information conveyed to me by other law enforcement officials; and on my review of documents and other physical evidence obtained during this investigation. Because this affidavit is being submitted for the limited purpose of securing a complaint, I have not included each and every fact known to me concerning this investigation. I have set forth on the facts I believe establish a violation of Federal law.
3. This affidavit contains information necessary to support probable cause for a

criminal complaint charging ELTON CONRAD JOHNS with a violation of Title 18, United States Code, Section 1708, (Theft or receipt of stolen mail matter).

4. On or about October 19, 2008, at approximately 4:50 pm, a call was received by Postal Inspectors from Officer Aguero of the San Antonio Police Department (SAPD). Officer Aguero advised he and other SAPD officers were in custody of subjects who were in possession of stolen mail and over two hundred stolen checks. Officer Aguero was contacted by Hotel Marquis front desk supervisor, Raymond Silva, regarding the stolen checks. Silva advised Officer Aguero that ELTON CONRAD JOHNS rented rooms 415 and 419 for the evenings of October 17-18, 2008. Housekeeping cleaned both rooms and found a substantial amount of stolen mail and checks under the mattress in room 415 and reported it to Silva.
5. Silva informed SAPD that JOHNS also rented rooms 513 and 520 for October 18-19, 2008. When SAPD officers approached JOHNS and other individuals staying in the rooms, they placed them under arrest without incident.
6. A search of their possessions incident to arrest was conducted. JOHNS signed a consent to search form for all four rooms which he rented while staying at the Hotel Marquis. The consent search of hotel room 513 resulted in the discovery of a large FedEx envelope that contained mail addressed to two different individuals other than JOHNS.
7. Further investigation of the materials obtained from hotel room 415 resulted in the discovery of stamped envelopes addressed to other persons and 200-300 checks stolen from the mail. Several of these checks had already been

"washed" and/or altered. Two of these "washed" and/or altered checks were made payable to ELTON C. JOHNS in the amounts of \$240.96 and \$306.00, respectively.

8. A search of JOHNS' person, incident to arrest revealed a "washed" and/or altered money order in his possession.
9. The vehicle being driven by ELTON JOHNS was searched after consent to search the vehicle was given by the owner. JOHNS admitted that the black rolling bag was his and it was found to be stuffed with mail addressed to individuals and businesses other than him.
10. Based on the foregoing, I believe that probable cause exists to believe that ELTON C. JOHNS has committed the offense of theft of U.S. mail, in violation of Title 18, United States Code, Section 1708.
11. I swear the information contained in this affidavit is true to the best of my knowledge and belief.

  
Y.A. Martinez  
U.S. Postal Inspector

SWORN to and subscribed before me this 20 day of October, 2008.

  
UNITED STATES MAGISTRATE JUDGE